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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

7 WILLIAM G. SMITH,

8 Plaintiff,

9 v.

10 RODULF TRIVENO, RANDY PIERCE,
11 CATHERINE BAUM, GARY FLETCHER,
12 WILLIAM ROLLINS, PATRICK GLEBE,
13 DAN VAN OGLE, KERRI McTARSNEY,
14 DENNIS DAHNE, TAMMY NIKULA,
15 DANO GORTON, KATHY RENINGER,
16 JOSEPH LOPIN, ELDON VAIL, DAN
PACHOLKE, SEAN MURPHY, STEVE
HAMMOND, and DEPARTMENT OF
CORRECTIONS,

Defendants.

No. C11-5401 RBL/KLS

ORDER DENYING MOTIONS TO
COMPEL WITHOUT PREJUDICE AND
DIRECTING PARTIES TO CONFER

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18 Before the Court are Plaintiffs' motions for discovery. ECF Nos. 40 and 41. The
19 motions do not contain a certification that Plaintiff conferred with opposing counsel prior to
20 filing his motions. Plaintiff's previous motion to compel (ECF No. 28) was denied for this same
21 reason. Plaintiff explains that he has encountered difficulties in contacting counsel for
22 Defendants for the purpose of discussing these discovery disputes. ECF No. 44. The Court
23 anticipates that the parties will cooperate in good faith to resolve their discovery disputes prior to
24 seeking Court intervention. "A good faith effort to confer with a party or person not making a
25 disclosure or discovery requires a face-to-face meeting or a telephonic conference." Local Rule
26 CR 37(a)(1)(A). Because it appears Plaintiff is being told by authorities at the Stafford Creek

1 Corrections Center (SCCC) that he cannot contact the Attorney General's Office, counsel for
2 Defendants is directed to contact the appropriate authorities at SCCC to facilitate a telephone
3 conference with Plaintiff.

4 Accordingly, it is **ORDERED**:

5 (1) Plaintiff's Motions (ECF Nos. 40 and 41) **shall be DENIED without prejudice**;
6 Plaintiff may re-file his motions if necessary after the parties have conferred in good faith to
7 resolve any discovery dispute.
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9 (2) Counsel for Defendants shall schedule a telephone conference with Plaintiff to
10 discuss any outstanding discovery disputes within **10 days** from the date of this Order.

11 (3) The Clerk shall send a copy of this Order to Plaintiff and counsel for Defendants.
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13 **DATED** this 18th day of October, 2011.
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16 Karen L. Strombom
17 United States Magistrate Judge
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